

Section IV – Public Sector Analysis

Public policies established at the state, regional and local levels can affect housing development and therefore, may have an impact on the range of housing choices available to residents. This chapter discusses the various public policies that may influence fair housing choice in the City of Salisbury.

City Policies and Programs Affecting Housing Development

The Salisbury General Plan Housing Element and other elements, Zoning Code, Consolidated Plan, and other documents have been reviewed to evaluate the following potential impediments to fair housing choice and affordable housing development:

- Local zoning, building, occupancy, and health and safety codes
- Public policies and building approvals that add to the cost of housing development
- Moratoriums or growth management plans
- Residential development fees
- Administrative policies affecting housing activities or community development resources for areas of minority concentration, or policies that inhibit employment of minorities or individuals with disabilities
- Community representation on planning and zoning boards and commissions

Land Use and Development Policies and Codes

General Plan and Zoning Code

Higher-density housing reduces land costs on a per-unit basis and thus facilitates the development of affordable housing. Restrictive zoning that requires unusually large lots and building size can substantially increase housing costs and impede housing production. While housing affordability alone is not a fair housing issue, many low and moderate income households are disproportionately concentrated in groups protected under the fair housing laws, such as persons with disabilities and minorities. When the availability of affordable housing is limited, indirectly affecting the housing choices available to groups protected by fair housing laws, fair housing concerns may arise.

The stated purpose of Land Development Ordinance (LDO) of the City of Salisbury is to implement the policy recommendations of the Salisbury Vision 2020 Comprehensive Plan as adopted by the Salisbury City Council on March 20, 2001. The LDO establishes the collective vision of how the citizens of Salisbury would like to have their city look and function by the year 2020. These include the following for housing.

“Housing.

We see a multitude of housing choices, ranging from single-family homes, to townhouses, to garage apartments, to apartments over downtown shops or the neighborhood corner store. We see neighborhoods with several different well-designed housing types for all incomes where the elderly, young families, singles and others share experiences and help one another.”¹

The following districts in the Salisbury LDO allow residential development:

A. Natural Preserve

1. OSP: Open Space Preserve *

The Open Space Preserve District is intended to protect areas that are permanently preserved in government ownership or conservation easements as natural and/or environmentally significant lands. Such areas include rural parks, wetlands, and areas placed in a conservation easement.

** Specific Base District Provisions apply to this district.*

B. Residential

The residential districts are intended to create, maintain, and promote a variety of housing opportunities for individual households and to maintain the desired physical character of existing neighborhoods. While the districts primarily accommodate detached residential uses, townhomes and apartments at a lower density range that are compatible with the surrounding neighborhoods are also allowed with additional standards.

1. RR: Rural Residential *

The Rural Residential District is intended to accommodate low-density, rural residential and agricultural uses, protect natural vistas, and landscape features that define our rural heritage.

** Specific Base District Provisions apply to this district.*

2. GR: General Residential

The General Residential District is intended for City’s existing predominately residential neighborhoods as well as provide for new primarily-residential development in accordance with a suburban pattern. These Districts are differentiated only by the density of the overall development relative to the planning goals of the City as set forth in the Comprehensive Plan.

3. HR: Historic Residential *

The Historic Residential District is intended to solidify development patterns and land uses

¹ Salisbury, NC Land Development Ordinance, Adopted December 18, 2007; Effective January 1, 2008, page 1-1

inherent to existing historic neighborhoods currently listed on the National Register of Historic Places or within a local historic district designated by the City of Salisbury.

** Specific Base District Provisions apply to this district.*

4. UR: Urban Residential

The Urban Residential Districts accommodate the in-town neighborhoods of the City and provides for a variety of compatible housing types and a limited mix of uses in a walkable context. These Districts are differentiated only by the density of the overall development relative to the planning goals of the City as set forth in the Land-Use Plan.

C. Mixed-Use

The residential and commercial mixed-use districts are intended to accommodate a variety of housing opportunities, office, retail, and service uses, and to ensure that these areas are compatible with the character of existing neighborhoods at intensities compatible with the applicable Transect Zone and scale of development. These districts primarily accommodate townhomes, apartments, upper-story residential, and commercial uses in order to promote live-work and mixed-use opportunities.

1. RMX: Residential Mixed-Use

The Residential Mixed-Use District is intended to provide for areas for higher density residential development in close proximity (within ½ - ¼ mile) to existing and planned commercial centers such as the Corridor Mixed-Use District (CMX) and the Downtown Mixed Use District (DMX). The intent is to create higher density residential areas that compliment commercial districts with physical proximity and pedestrian connectivity. Different housing types and lot styles along with a limited mix of neighborhood-friendly uses are encouraged.

2. NMX: Neighborhood Mixed-Use

The Neighborhood Mixed-Use District is coded to provide pedestrian-scaled, higher density residential homes and opportunities for limited scale commercial activities along existing mixed-use corridors, in areas of transition, and at the functional center of new neighborhoods. Development in this district should encourage pedestrian activity through construction of mixed-use buildings and connections to adjacent neighborhoods. Buildings in this district are typically small and detached.

3. CMX: Corridor Mixed-Use

The Corridor Mixed-Use District is coded to facilitate convenient access, minimize traffic congestion, and reduce the visual impact of auto-oriented uses along the City's major thoroughfares. Developments in this district should be traditionally detailed and encourage pedestrian use through connections to adjacent neighborhoods and the construction of vertically mixed-use buildings.

4. DMX: Downtown Mixed-Use

The Downtown Mixed-Use District is coded for the traditional downtown area. Individual buildings are encouraged to be multi-story with uses mixed vertically, street level commercial and upper level office and residential. Higher densities of residential development are encouraged. It is the purpose of these regulations to encourage vitality by excluding certain activities which have a negative effect on the public realm through auto-dominated or non-pedestrian oriented design or uses.

Following are the density maximums for each district:

- Open Space Preserve (OSP) 1 unit per 20 acres
- Rural Residential (RR) 1 unit per 5 acres
- General Residential (GR3) 3 units per acre
- General Residential (GR6) 6 units per acre
- Urban Residential (UR8) 8 units per acre
- Historic Residential (HR) 8 units per acre
- Urban Residential (UR12) 12 units per acre
- Residential Mixed-Use (RMX) 18 units per acre

The table that follows specifies under what conditions development is allowed in these districts.

C. Use Matrix																
P	Permitted						SUP	Special Use Permit required and subject to Additional Standards in Chapter 3								
PS	Permitted subject to Additional Standards in Chapter 3						—	Not Permitted								
PND	Permitted as new development only						CD	SUP is not required when proposed and adopted as part of a Conditional District								
	T1	T2	T3	T4	T5	T6	Assigned Districts				Planned Development					
BASE DISTRICT	OSP	RR	GR	UR	HR	RMX	NMX	CMX	DMX	HB	LJ	HI	HS	IC	MHD	TND
Residential																
Dwelling-Single Family	P	P	P	P	P	P	P	P	P	P	—	—	—	P	P	P
Dwelling-Multifamily 4 units/bldg or less	—	—	PND	P	PS	P	P	P	P	P	—	—	P	P	P	P
Dwelling-Multifamily more than 4 units/bldg	—	—	—	—	—	P	P	P	P	P	—	—	P	P	—	P
Dwelling-Secondary	—	SUP/CD	SUP/CD	SUP/CD	SUP/CD	SUP/CD	P	P	P	P	—	—	P	P	—	P
Family Care Home (6 or Less residents)	—	P	P	P	P	P	P	P	P	P	—	—	P	P	—	P
Home Occupation	—	PS	PS	PS	PS	PS	P	P	P	P	—	—	P	PS	PS	PS
Housing Service for the Elderly	—	—	PS	PS	—	P	P	P	P	P	—	—	P	P	—	P
Live-Work Units	—	—	—	—	—	PS	PS	PS	PS	PS	—	—	PS	—	—	PS
Manufactured Housing	—	PS	—	—	—	—	—	—	—	—	—	—	—	—	PS	—

Parking Requirements

When parking requirements are high, housing development costs tend to increase, restricting the range of housing types available in a community. Typically, the concern for high parking requirements relates only to multi-family housing. Salisbury has a minimum requirement of one parking space per bedroom up to two spaces per unit. The Zoning Administrator may authorize a reduction in off-street parking requirements for multifamily dwellings (including duplexes and multifamily buildings of 4 or more units) to no less than three (3) off-street parking spaces for each four (4) dwelling units or fraction thereof provided that:

1. The design for off-street parking shall indicate compliance with the requirements for residential uses; however, only that amount of space need be developed as required by the Administrator as provided by this section.
2. All the dwelling units in a specific development shall include those features accommodating occupancy by the elderly. For example, the dwelling units and access to them shall include, but not be exclusively limited to, such structural features as ramps, low-rise steps, grab bar, and handrails.
3. Should any unit be occupied by non-elderly people, other than spouse or dependent of an elderly person, that unit shall be excluded from the computation for off-street parking for the elderly as authorized by the Administrator and shall be provided with off-street parking as required for the residential use classification in Section 10.3 of the LDO.

Definition of Family

A city's zoning ordinance can restrict access to housing for relations failing to qualify as a "family" by the definition specified in the document. Even if the ordinance provides a broad definition, deciding what constitutes a "family" should be avoided by cities to prevent confusion or give the impression of restrictiveness. Particularly, when the zoning ordinance uses terms such as "single family homes, defining "family" in too-detailed terms may restrict access to housing for certain segments of the population.

Salisbury's LDO defines family as follows:

” **Family:** An individual, or two (2) or more persons related by blood, marriage or adoption living together as a single household unit; or a group of not more than six (6) persons, who need not be related by blood, marriage or adoption, living together as a single housekeeping unit.”²

Coupled with its general definition of residential, i.e. without reference to single family or multi-family dwelling types, and the fact that their zoning ordinance is what is termed a “form-based

²Salisbury, NC Land Development Ordinance, Adopted December 18, 2007; Effective January 1, 2008, Amended 10/20/09, ORD.2009-57; page 18-5.

code”³, Salisbury would appear not to have created any potential impediments to the development of a variety of housing types by any wording in their LDO.

Specific Impacts of the New Land Development Ordinance

The LDO contains several provisions that help reduce, or eliminate, some of the barriers to affordable housing that existed under the old zoning code.

- Smaller lot sizes equating to higher densities in most residential zoning districts;
- Streamlined review process that will help reduce overall development costs;
- Allowing on-street parking to count toward parking requirements in many districts, further reducing development costs;
- More administrative review of most types of projects as long as they meet the standards. In districts where multi-family housing is allowed, this will help eliminate the lengthy and often contentious, legislative review process that hinders the development of apartments and other multi-unit housing;
- Code encourages multiple housing options, such as accessory units or granny flats, and makes some alternative housing types, such as live-work units, available for the first time.
- Enables more compact, pedestrian-friendly development and mixed use projects that will improve accessibility of services to all of the city’s residents.

Building Codes

Salisbury has adopted building and safety codes in order to preserve public health, safety, and welfare. To implement these codes, the City has various code enforcement programs designed to address building and neighborhood conditions. These building codes and their enforcement have the potential to significantly increase the cost of development, maintenance, and improvement of housing.

- Building Codes – Salisbury has adopted and enforces the North Carolina Residential Building Code 2002 Edition, as amended, recommended and adopted by the North

³ Form-based code address the relationship between building facades and the public realm, the form and mass of buildings in relation to one another, and the scale and types of streets and blocks. The regulations and standards in form-based codes, presented in both diagrams and words, are keyed to a *regulating plan* that designates the appropriate form and scale (and therefore, character) of development rather than only distinctions in land-use types. This is in contrast to conventional zoning's focus on the micromanagement and segregation of land uses (e.g. single family vs. multi-family vs. retail), and the control of development intensity through abstract and uncoordinated parameters.

Carolina Building Code Council that establishes standards pertaining to the construction of housing and inspection at various stages of construction to ensure code compliance.

- Accessibility Codes - The Federal Fair Housing Act of 1998 and the American Disabilities Act (ADA) are federal laws that are applicable in Salisbury and are intended to assist in the provision of safe and accessible housing. As of January 1, 2010 the Rowan County Building Inspection Department enforces the ICC/ANSI A117.1 - 2003 Standard on Accessible and Usable Buildings and Facilities.
- Code Enforcement - The City's Code Services Division of Public Services Department enforces State and local regulations governing the maintenance of residential buildings. On a daily basis, this Division enforces the codes and ordinances set forth and adopted by the City of Salisbury. In doing so, they help to facilitate habitable housing, provide safer environments, clean up properties, ensure that the city is appealing, and ultimately provide adherence to city codes.

TRANSPORTATION

Transportation links are an essential component to successful fair housing. Residents who do not have access to commercial areas are limited in where they can shop for goods and services, as well as seek employment. The converse is true as well. Inadequate transportation routes limit the selection of housing to neighborhoods within transportation service areas. Convenient roads in good repair are as important for those who rely on their own vehicles for transportation as they are for those who rely on public transportation provided by the

The City of Salisbury's Transit System provides public transportation and offers three routes. Each route arrives and departs from "the Transfer Site", which is located on Depot Street. Any member of the general public may ride the Salisbury Transit bus. Salisbury Transit does not operate on Sundays and some holidays. Still need data/information regarding fleet size, routes, special accommodations for low/mod income households, the disabled, the elderly, etc.

Lead-Based Paint Hazard Reduction

Lead poisoning is one of the worst environmental threats to children in the United States. While anyone exposed to high concentrations of lead can become poisoned, the effects are most pronounced among young children. All children are at higher risk to suffer lead poisoning than adults; but children under age six are even more vulnerable because their nervous systems are still developing. At high levels, lead poisoning can cause convulsions, coma, and even death. Such severe cases of lead poisoning are now extremely rare, but do still occur. At lower levels, observed adverse health effects from lead poisoning in young children include reduced intelligence, reading and learning disabilities, impaired hearing, and slowed growth.

To reduce the potential for adverse health effects attributable to the rehabilitation of deteriorated lead-based paint surfaces, the City provides educational material. All customers receiving housing rehabilitation assistance from the city are informed about the potential health hazards posed by the presence of deteriorated lead-based paint, which includes information about protecting their families from this hazardous substance.

According to the National Survey of Lead-based Paint in Housing⁴, there are no statistically significant differences in the prevalence of lead-based paint by type of housing, market value of the home, amount of rent payment, household income or geographic region. The following table includes data from the 2008 American Community Survey based on the year housing units throughout the city of Salisbury were built. By applying the estimated national percentages of housing with lead-based paint somewhere in the building, the number of housing units in Salisbury with lead-based paint can be estimated: approximately 13,920 housing units in Salisbury of which perhaps as many as 8,141 may contain lead-based paint. The following table details the estimate of such units within the city of Salisbury.

Construction Year	Salisbury		
	Housing Units	Housing with Lead-Based Paint	
		Units	Percent
Total	8,141	6,676	82%
1960 to 1979	3,421	2,600	76%
1940 to 1959	3,021	2,779	92%
Before 1940	1,699	1,495	88%

Nationally, the presence of lead is even more widespread in public housing is 86% of all pre-1980 public housing family units have lead-based paint somewhere in the building. It is likely that this holds true in Salisbury's 523 public housing units as well, all of which were built before

⁴ EPA, *National Survey of Lead-based Paint in Housing*, DocNo024EPA., June, 1995

1979. The Rowan County Environmental Health Department does not conduct environmental lead testing. Salisbury city government does not include this function.

Property Tax Policies

Across the country, older communities - with the support of the Federal government - have begun to invest in economic and community development programs designed to revitalize their urban cores. Charlotte is no exception. The foundation upon which this kind of development is built is the ability to achieve fairness in the appraisal process within these neighborhoods. Since the starting point for most bank appraisals is the tax department, discriminatory assessment practices can undermine a homebuyer's ability to secure mortgage financing in an amount commensurate with the property's true market value.

Although the Fair Housing Act specifically prohibits the consideration of the racial or ethnic composition of the surrounding neighborhood in arriving at appraised values of homes, no practical means exist to investigate violations of this kind. One reliable approach, however, is to review, periodically, the assessment policies and practices of the taxing jurisdiction since their valuations generally comprise the bases for private appraisals.

Property tax assessment discrimination against low-income groups occurs when lower value properties and/or properties in poorer neighborhoods are assessed for property tax purposes at a higher percentage of market value, on average, than other properties in a jurisdiction. Regressive assessments (the tendency to assess lower value properties at a higher percentage of market value than higher value properties) are not uncommon in this country. They result from political pressures, practical problems in assessment administration and the use of certain inappropriate appraisal techniques. Assessments tend to remain relatively rigid at a time when property values are rising in middle income neighborhoods and are declining or remaining at the same level in low-income neighborhoods.

Inequities in property tax assessments are a problem for both lower-income homeowners and low-income tenants. Millions of low-income families own homes. Variations in assessment-to-market value ratios between neighborhoods or between higher and lower value properties can make a difference of several hundred dollars or more each year in an individual homeowner's property tax bill. In addition to causing higher property tax bills, discriminatorily high assessment levels can also have an adverse impact upon property values. Buyers are less likely to purchase a property if the property taxes are perceived as too high thereby making the property less attractive and reducing its market value.

Another common inequity is the assessment of multifamily dwellings at a higher ratio to market value than single family dwellings. This type of inequity may be considered a form of discrimination against low-income groups because a higher percentage of low-income than middle-income persons live in multifamily rental dwellings. The requirement to pay a higher assessment is passed on to the tenant in the form of higher rent. Quite often, higher assessments

also make it difficult for landlords to maintain property within the limits of the property's rent structure leading to substandard housing conditions.

Most jurisdictions rely heavily on a market value approach to determining value when conducting their property assessment appraisals. Under this approach, an appraiser compares recent sale prices of comparable properties within the area – in addition to site visits and a good deal of expert speculation – in arriving at an appraised value. The limitations inherent in market value approaches are many. Most prominent among them are the cumulative result of decades of discriminatory valuations, especially where the neighborhood is a minority one.

Unless some radical re-appraisal process has been conducted within the preceding 10-year period, the present market value approach merely compounds past discrimination. While the market value approach may operate successfully in some jurisdictions, a substantial percentage of jurisdictions rely primarily on a replacement cost approach in valuing properties. Making determinations of value based on comparable sales is a complex task, which requires considerable exercise of judgment. Assessor's departments, which must appraise every property within a jurisdiction, often do not find it feasible to make the detailed individual analysis required to apply the market value approach.

Zoning and Site Selection

Zoning may have a positive impact and can help to control the character of the communities that make up a City. In zoning a careful balance must be achieved to avoid promoting barriers to equal housing. Professor Richard T. Lal, Arizona State University surveying the view of representative studies concerning the nature of zoning discrimination states:

“If land-use zoning for the purpose of promoting reason, order and beauty in urban growth management is one side of the coin, so can it be said that exclusion of housing affordable to low and moderate income groups is the other...as practiced, zoning and other land-use regulations can diminish the general availability of good quality, low-cost dwellings....”

In considering how zoning might create barriers to fair housing, four key areas were reviewed; these included the following which were selected because of the possible adverse effects they could have on families and persons with disabilities.

- Definitions used for “families” and “group homes”
- Regulations (if any) regarding group homes
- Ability for group homes or other similar type housing to be developed
- Unreasonable restrictions on developing multifamily units, such as lot size requirements.

Community Care Facilities

Persons with special needs such as the elderly and those with disabilities must also have access to housing in a community. Community care facilities provide a supportive housing environment

to persons with special needs in a group situation. Restrictions that prevent these types of facilities from locating in a community impede equal access to housing for the special needs groups. Salisbury permits what it terms “family care homes with 6 or fewer residents” in its residential districts without conditions. “Group care facilities with more than 6 residents” are permitted with additional special standards. “Housing services for the elderly” are generally allowed in Salisbury’s residential districts, though with some additional special standards in some of those districts.

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